

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA

RECEIVED  
EXECUTIVE DIRECTOR  
BOARD OF EDUCATIONAL EXAMINERS

APR 11 2020

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In the matter of:	)	BOEE Case No. 19-152
	)	Folder # 1036819
<b>PROTACIO MARCELINO,</b>	)	
	)	<b>COMBINED STATEMENT OF</b>
Respondent.	)	<b>CHARGES, SETTLEMENT</b>
	)	<b>AGREEMENT, AND FINAL ORDER</b>

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In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

**NOTICE OF HEARING**

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

**STATEMENT OF CHARGES**

**Count I**

Respondent is charged with Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(4).

## STIPULATIONS

1. Respondent holds a Coaching Authorization (FOLDER # 1036819) with the following endorsements: Athletic Coach. This license is current and will next expire on June 30, 2023.
2. During all material events of this case, Respondent was employed as an Athletic Coach with the Washington Community School District.
3. On October 14, 2019, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.
4. On February 21, 2020, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph(s) 5 below.
5. Investigation revealed that Respondent had sent inappropriate messages and had inappropriate communications with students and/or athletes seeking to solicit, encourage, or consummate a romantic or otherwise inappropriate relationship(s) with student(s).

## SETTLEMENT AGREEMENT

6. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent accepts a SUSPENSION of his license(s) for a minimum of TEN (10) YEARS. Respondent agrees he bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that he bears the burden of proving that the basis for his suspension no longer exists and that it will be in the public interest to reinstate his license(s). Additionally, Respondent agrees he is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of subparagraphs (c) below.
- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

## LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

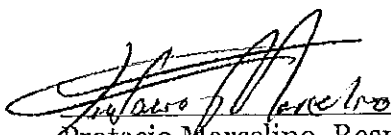
I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

04/06/20  
Date

  
Protacio Marcelino, Respondent

## ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

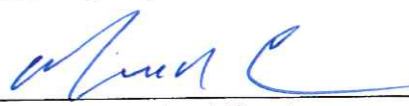
1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Additionally, Respondent's license(s) is SUSPENDED for a minimum of TEN (10) YEARS. Respondent bears the burden upon reinstatement to prove that the reason for suspension no longer exists and that it will be in the public interest to reinstate his license(s). Additionally, Respondent is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of paragraphs (3) below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators" or "Ethical Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

4. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 17<sup>th</sup> day of April, 2020.

  
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Michael D. Carvin, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Protacio Marcelino  
RESPONDENT

Jesse Ramirez  
ATTORNEY FOR THE STATE